

**Remarks/Arguments**

Following entry of the above amendments, claims 1-9, 11-15, 18, and 20-24 and 27 are pending. The amendment to claim 21 to recite 5 to 15% finds support at page 5, line 17 of the present application.

Applicants gratefully acknowledge the courtesy extended by Examiners Carlson and Liu to the undersigned in the telephone interview of September 11<sup>th</sup>.

During the interview, the Examiner's requested that the undersigned submit a terminal disclaimer over U.S. Patent No. 6,117,984. Accordingly, Applicants submit herewith a terminal disclaimer over U.S. Patent No. 6,117,984. Applicants note that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting and raises neither a presumption nor estoppel on the merits of the rejection". Quad Environmental Technologies Corp. v. Union Sanitary District, 20 USPQ 2d 1392 (Fed. Cir. 1991).

**PRIORITY**

In the interview with the Examiners, it was agreed that the objection to Applicants' claim to priority to the Danish application 1687/90 filed July 13, 1990 would be overcome by amending the specification to claim benefit to the following applications (application nos. 07/961,932, 08/222,515, 08/350,758 and 09/063,749 filed on January 13, 1993, April 1, 1994, December 7, 1994 and April 21, 1998 and to application no. PCT/DK91/00203, filed July 12, 1991) in order to show that the present application claims the benefit through a series of continuations back to the PCT application filed within one year of the June 13, 1990 filing date of the Danish application 1687/90. Accordingly in view of the amendment to the specification presented herein, Applicants' claim to priority to the Danish application is proper.

**OBJECTION TO CLAIMS**

The objection to claims 20-22 for missing "(v/v)" after the phrase "0.1 to 20%" is rendered moot by the amendments to claims 20-22 presented herein.

Attorney Docket No.: 3500.244-US  
Express Mail Label No.: EV 246876678 US

**OBJECTION TO IDS**

It was agreed in the interview with the Examiners that Applicants would provide a courtesy copy of the references cited in the IDS filed June 12, 2000 and that submission of new 1449 forms was not required. Accordingly, enclosed herewith is a courtesy copy of the references cited in the IDS filed June 12, 2000.

**REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

Claims 1-19 are rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite for

- 1) the recitation of “from about 0% to about 30% ..” (claim 1);
- 2) what are or are not “GH derivatives”(claims 1 and 13 and 15);
- 3) the recitation “from “5 to 1%” in claim 21.

Applicants respectfully traverse these rejections and address each in turn.

1 and 2) Applicants gratefully acknowledge the Examiners’ withdrawal of the section 112, second paragraph rejections of the phrases “from about 0% to about 30% ..” and “GH derivatives” in the telephone interview of September 11<sup>th</sup>.

3) claim 21 has been amended to recite “5 to 15%”.

For the foregoing reasons, Applicants submit that the rejections under 35 U.S.C. §112, second paragraph have been overcome and withdrawal of these rejections is respectfully requested.

Attorney Docket No.: 3500.244-US  
Express Mail Label No.: EV 246876678 US

**REJECTIONS UNDER 35 U.S.C. § 102 (b)**

Claims 1-9, 11-14 and 20-27 are rejected under 102 (b) as anticipated by Junker et al US Patent No. 5,780,599 because the current application does not enjoy the filing date of the Danish priority application 1687/90.

In view of Applicants' amendment to the specification to properly claim benefit to earlier filed applications, including the Danish priority application 1687/90, Applicants respectfully request withdrawal of this rejection as Junker et al US Patent No. 5,780,599 is not prior art to the present application.

In view of the above amendments and remarks , it is respectfully submitted that all of the pending claims are in condition for allowance.

Early action to that end is respectfully requested.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: September 11, 2003

Richard W. Bork  
Richard W. Bork, Reg. No. 36,459  
Novo Nordisk Pharmaceuticals, Inc.  
100 College Road West  
Princeton, NJ 08540  
(609) 987-5800

23650  
PATENT TRADEMARK OFFICE